

REMARKS

Claims 1-20 are pending in this case. Claims 1-20 have been rejected. Claims 1, 4 and 18 have been amended. No new matter has been added.

Claims 1, 2, 4 – 9 and 11-13 have been rejected under 35 USC 102(b) as being anticipated by Albarelli. Albarelli simply discloses a mesh carrying bag. The Examiner states that by merely being made of mesh material, the carrying bag would be abrasive. Applicant disagrees with this statement. Mesh material, in and of itself, is not abrasive. In fact, the mesh carrying bag taught in Albarelli would not function properly if created from an abrasive material. Items carried within the bag would be damaged rather than carried safely as described in Albarelli. The instant invention, as currently claimed, includes a structural limitation that the material be abrasive. This structural limitation is not a statement of the intended use but is clearly a structural limitation. Albarelli discloses a porous flexible container made from a mesh of synthetic polymeric material. The container has inner and outer surfaces, with one open end through which an article may be placed in the container. There is nothing in Albarelli that teaches or suggest the use of an abrasive surface on either one, or both, of the inner and outer surfaces of the container as is claimed in the instant invention. Albarelli is solely intended to be used as a carrying bag. The container described in Albarelli is not intended for, nor suitable for, cleaning items placed within the bag. Instead, it is reasonable to conclude that a carrying bag should not be abrasive, in order to avoid damaging articles held within the bag, thus Albarelli teaches away from the instant invention.

Claims 1, 2 and 4-13 have been rejected under 35 USC 103 as being unpatentable over Van Loon III. Van Loon discloses a mesh carrying bag, however, there is nothing to teach or suggest to the person skilled in the art that the surface of the bag should be in any way abrasive, so as to clean items of produce in contact with the surface. As this is a carrying bag, meant to

protect and carry items, the Van Loon reference actually teaches away from the instant invention as currently claimed. To use an abrasive carrying bag would damage items carried therein.

Claims 1, 2, 7 and 11-13 have been rejected under 35 USC 102(b) as being anticipated by McGuire. The McGuire patent discloses a laundry bag. There is no teaching in McGuire to form the bag from an abrasive mesh material as is claimed in the instant invention. Additionally, there is no teaching in McGuire that the bag clean the items held within. The bag is merely a holding device to maintain items within the bag.

Claims 1, 2, 4, 5 and 11-13 have been rejected under 35 USC 102(b) as being anticipated by Kahnweiler. The Kahnweiler patent discloses a soap bag having an inner bag for soap and an outer bag for soap-abrading material, for example, cork. The bag does not include an abrasive cleaning surface. Rather, the soap abrading surface is used merely for foaming the soap. There is no cleaning action provided by the soap abrading surface and the soap bag disclosed in Kahnweiler would not be suitable for cleaning produce.

Claims 1, 2, 4-9 and 11-13 have been rejected under 35 USC 102(b) as being anticipated by DE 1,208,680. DE 1,208,680 discloses a simple mesh carrying bag. There is nothing in this document to teach or suggest providing the bag with an abrasive cleaning surface or the use of the bag to clean produce. Again, as discussed above, it would be unreasonable to provide a carrying bag with an abrasive inner surface as such a surface would damage items being carried within the carrying bag.

Claims 3, 14-16, 18 and 19 have been rejected under 35 USC 103(a) as being unpatentable over DE 1,208,680 in view of Belmont. As discussed above with respect to DE 1,208,680, there is no disclosure of an abrasive cleaning bag, in fact such an abrasive bag is taught away from in DE 1,208,680. Belmont is cited by the Examiner for the elastic edge,

however, the combination of DE 1,208,680 and Belmont still fails to teach an abrasive cleaning bag.

Claims 3, 14 and 17 - 20 have been rejected under 35 USC 103(a) as being unpatentable over Van Loon, III in view of Shaw. As discussed above with respect to Van Loon, there is no disclosure of an abrasive cleaning bag, but rather a carrying bag. In fact such an abrasive bag is taught away from in Van Loon as an abrasive bag would not function properly as a carrying bag. Shaw is cited by the Examiner as disclosing an elastic opening, however, the combination of Van Loon and Shaw still fails to teach an abrasive cleaning bag for produce as is claimed in the instant invention.

The Examiner additionally states that the Applicant's arguments concerning the intended use of the item are not sufficient as they are not structurally limiting. Applicant disagrees that the claims as previously submitted did not include such a structural limitation; however, Applicant has amended the claims slightly to clarify that the claimed cleaning bag must be structurally capable of cleaning produce placed within the bag. This structural limitation is not shown or suggested in any of the prior art references cited by the Examiner. The Examiner states that the prior art references are structurally capable of performing the intended use of the instant invention. This is not the case. The prior art references generally describe carrying bags which are meant to safely carry items without damaging them while they are inside the bag. The carrying bags cited by the Examiner are not made of abrasive materials such that they will not damage the carried items. As such, none of the prior art references disclose or suggest a bag which could perform the intended use of cleaning produce. Thus, there is a significant and critical structural limitation in Applicant's claims which is not shown or suggested in the prior art cited by the Examiner. In fact, the prior art references teach away from the Applicant's invention as presently claimed as they function to protect the items carried and thus could not be constructed of abrasive materials.

All claims now in the application are deemed patentably distinguishable over the art applied and noted, but not relied upon. Accordingly, allowance of the application is solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kimberly A. Chasteen", followed by a large, stylized loop.

Kimberly A. Chasteen
Reg. No. 36,755

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(757) 249-5100
Williams Mullen
721 Lakefront Commons, Suite 200
Newport News, VA 23606